

NOTICE OF PUBLIC HEARING
Town of Bethel, Connecticut



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TOWN OF BETHEL
TOWN CLERK

Notice is hereby given that the Board of Selectmen of the Town of Bethel, Connecticut will hold a Public Hearing on Wednesday, November 16, 2016 at 7:00 p.m. in the CJH Municipal Center, Meeting Room "A", 1 School Street, Bethel, Connecticut, to review and receive public comments on the following proposed Ordinances:

Proposed Amendment to Chapter 98 Article VI, §98-20
Code of the Town of Bethel, Connecticut

EXEMPTION FOR VETERANS

C. In accordance with the provisions of Subsection (b) of Connecticut General Statutes 12-81g, there shall be an additional exemption from property tax for one hundred per cent disabled veterans.

(1) In lieu of the additional exemption prescribed under Subsection (a) of Connecticut General Statutes Section 12-81g, any person entitled to an exemption from property tax in accordance with Subdivision (20) of Connecticut General Statutes Section 12-81, reflecting any increase made pursuant to the provisions of Connecticut General Statutes Section 12-62g, who has a disability rating of one hundred percent, as determined by the United States Department of Veterans Affairs:

(a) Shall be entitled to an additional exemption from such tax in an amount equal to three times the amount of the exemption provided for such person pursuant to subdivision (20) of Connecticut General Statutes Section 12-81; and

(b) Provided such person's total adjusted gross income as determined for purposes of the federal income tax, plus any other income not included in such adjusted income, excluding veterans' disability payments, individually if unmarried, or jointly with spouse if married, during the calendar year ending immediately preceding the filing of a claim for any such exemption, is not more than twenty-one thousand dollars if such person is married or not more than eighteen thousand dollars if such person is not married or such amounts as may be set forth in such income limitations as specified in Connecticut General Statutes Section 12-81g.

(2) Said additional exemption shall be effective for the assessment year commencing on October 1, 2015, and for each assessment year thereafter.

<p style="text-align: center;">Proposed Chapter 83 Code of the Town of Bethel, Connecticut</p>
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HAZARDS TO PUBLIC ROADWAYS

§ 83.1. Purpose.

The purpose of this chapter is to protect the safety of the users of public roads located within the Town of Bethel, State of Connecticut.

§ 83-2. Definitions.

As used in this chapter, the following terms have the meanings as indicated:

PERSON

Any individual, owner, organization, trust, foundation, group, association, partnership, limited liability company, corporation, society, owner, tenant, occupant or any combination of one or more, whether principal or agent.

PUBLIC ROADWAY

Any road used and traveled on by vehicle or pedestrian that is open to the general public owned by, or maintained by, or dedicated to be owned by the Town of Bethel. The term public roadway includes a public right of way and any Town owned properties that are open to vehicular and pedestrian traffic.

DEBRIS

Any material consisting of rubble, rubbish, garbage, trash, waste including but not limited to other items which are not suitable or proper for disposal onto a public roadway which would create a hazardous condition and other items as hereinafter set forth.

§ 83-3. Hazards to public roadways.

No person shall place, move, keep, permit to be moved or suffer to be placed debris from any source, whether from adjoining private property or any other location onto any public roadway or public right-of-way, including, but not limited to snow, ice, leaves, grass clippings, yard waste, household waste, brush, tree branches or other debris.

§ 83-4. Enforcement.

If any person, after having been notified by writing, either by hand delivery, certified mailing and/or overnight mail by the Bethel Director of Public Works or his designee to remove the debris from the public roadway caused by said person, shall refuse or neglect to do so to the satisfaction of the Bethel Director of Public Works or his designee, within 15 days (including weekends and legal holidays) from the date of said notice, weather permitting, he will be in violation of Section § 83-3 and may be fined as hereinafter set forth in § 83-5 and/or may be subject to litigation in order to enforce the provisions of § 83-3.

§ 83-5. Penalties for offenses.

A. Each and every violation of the provisions of this chapter shall constitute a separate and distinct violation subject to a fine in an amount of \$100.00 payable to the Town of Bethel.

B. In the event that the person shall fail to comply with the written notification and successive written notices are required, each successive written notice which is not complied with within the time period as set forth in this chapter, shall constitute an additional violation, separate and distinct from the first violation and subject to an additional fine as hereinbefore set forth in Subsection **A.**

C. Nothing shall prevent the Town of Bethel from bringing an action in a court of original jurisdiction in the name of the First Selectman of the Town of Bethel on behalf of the Town of Bethel to enforce the regulations set forth in this chapter and/or to recover any and all fines as hereinbefore set forth, costs and attorney's fees, if available.

§ 83-6. Severability.

In the event that any one or more portions, sections and/or subsections of this chapter shall be determined to be invalid or unenforceable, it shall not affect the validity or enforceability of the remaining portions, sections and/or subsections.

Proposed Chapter 108 - Code of the Town of Bethel, Connecticut

NOISE

§ 108-1. Purpose.

The purpose of this chapter is to carry out and effectuate the public policy of the State of Connecticut, the federal government and the town concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the town limits of the Town of Bethel. A second purpose is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.

§ 108-2. Enforcement.

In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this chapter shall be in accordance with specified guidelines indicated and delineated in § 108-5. herein.

§ 108-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

RESIDENTIAL ZONE

Single-family residence zones and multifamily residence zones, as defined by the zoning regulations of the town, and all uses associated therewith, either permitted as of right or as specially excepted uses.

COMMERCIAL ZONE

General commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the town, and all uses associated therewith, either permitted as of right or as specially excepted uses.

INDUSTRIAL ZONE

Industrial district, as defined by the zoning regulations of the town.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

DAYTIME HOURS

The hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours 10:00 a.m. through 8:00 p.m. on Sundays and holidays.

NIGHTTIME HOURS

The hours between 8:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and 8:00 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

DECIBEL

A logarithmic unit of measurement used in measuring magnitudes of sound. The symbol is dB.

MOTOR VEHICLE

Defined as per Section 14-1(47) of the Connecticut General Statutes.

NOISE

Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in § 108-5. of this chapter.

NOISE LEVEL

The sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

PERSON

Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency or administrative subdivision of the state or other legal entity of any kind.

PREMISES

Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person.

PROPERTY LINE

That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which in air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER

An instrument to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters.

DOMESTIC POWER EQUIPMENT

Equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights-of-way, structures, utilities or similar property.

EMERGENCY WORK

Any work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

MUFFLER

A device for abating sounds such as escaping gases.

§ 108-4. General prohibition.

It shall be unlawful for any person within the town to make, continue or cause to be made or continued any loud, unnecessary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the town as provided in § 108-5. herein.

The following are acts specifically prohibited under § 108-4.:

- A.** Commercial construction, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.
- B.** Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle exceeding the standards set forth in § 108-5. hereof, unless it is necessary as a warning to prevent or avoid a traffic accident.
- C.** The creation within the town of any excessive noise, exceeding the standards set forth in § 108-5. hereof, in the vicinity of any school, institution of learning, church, senior housing, senior assisted living or nursing home while the same is in use which impacts the workings of such institution or which disturbs or unduly annoys patients in the assisted living or nursing home, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, senior housing, senior assisted living or nursing home.

§ 108-5. Noise zone standard.

This section is intended to conform to the regulations of the State of Connecticut applicable to the control of noise, as set forth in Connecticut State Regulations Section 22a-69-3.5 as amended. It shall be unlawful for any person to emit any noise that is in excess of the standards as follows:

A. No person in a Class C noise zone shall emit noise exceeding the levels stated herein and applicable to adjacent noise zones.

	Receptor			
	C	B	A/day	A/night
Class C (Industrial) Emitter to	70 dBA	66dBA	61dBA	51dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

B. No person in Class B noise zone shall emit noise exceeding the levels state herein and applicable to adjacent noise zones:

	Receptor			
	C	B	A/day	A/night
Class B (Commercial) Emitter to	62dBA	62dBA	55dBA	45dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

C. No person in Class A noise zone shall emit noise exceeding the levels state herein and applicable to adjacent noise zones:

	Receptor			
	C	B	A/day	A/night
Class A (Residential) Emitter to	62 dBA	55dBA	55dBA	45dBA

Levels emitted in excess of the values listed above shall be considered excessive noise.

D. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow

the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time in any zone.

E. Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises include his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.

§ 108-6. Motor vehicle noise.

A. All motor vehicles operated within the town limits of the town shall be subject to the noise standards and decibels levels set forth in the regulations authorized in Sections 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.

B. No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § 108-5. hereof.

§ 108-7. Exclusions.

Maximum noise levels established pursuant to **§ 108-5.** hereof shall not apply to any noise emitted by or related to:

A. Natural phenomenon.

B. Any bell or chime from any building clock, school or church.

C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.

D. Warning devices required by OSHA or other state or federal safety regulations.

E. Noise created as a result of an emergency.

F. Noise generated by engine-powered or motor-driven lawn care or maintenance equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises there from.

G. Recreational or celebratory activities specifically licensed or under permit from the Town of Bethel, including, but not limited to, parades, sporting events, concerts, patriotic or public celebrations and fireworks displays.

H. Noises created by snow removal equipment provided that such equipment is maintained in good repair so as to minimize noise and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noise there from.

I. Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.

J. Governmental activities which may be exempted by law or regulation of the Town of Bethel and State of Connecticut.

K. Noises generated by the use of equipment, motorized or otherwise, including domestic power equipment, for farming operations during daytime hours only.

L. Garbage/Refuse haulers commencing operations for commercial and industrial zones prior to 7:00 am but no earlier then 5:30 am Mondays through Saturdays. For operations in residential zones, prior to 7:00 am but no earlier then 6:00 am Mondays through Saturdays.

§ 108-8. Penalties.

Any persons in violation of any of the provisions of this chapter shall be fined in the amount of fifty dollars (\$50.00) for their first violation; seventy-five dollars (\$75.00) for a subsequent violation occurring within thirty (30) days of their first violation; and one hundred dollars (\$100.00) for any subsequent violation occurring within thirty (30) days of any previous violation not including their first violation occurring pursuant to this chapter. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

§ 108-9. Enforcement.

The Bethel Police Department, as directed by the chief of police, shall enforce the provisions of this chapter pertaining to the measurement of noise levels and the issuance of notices of violation.

§ 108-10. Variances.

Any person living or doing business in the town may apply to the Board of Selectmen for a variance from one or more of the provisions of this chapter.

§ 108-11. Effect of these provisions.

All provisions of the zoning regulations of the town which are more stringent than those set forth herein shall remain in full force and effect and shall prevail over inconsistent provisions hereof.

Proposed Amendment to Chapter §107 VEHICLES AND TRAFFIC
Code of the Town of Bethel, Connecticut -

§ 107-16. Overnight Parking Restriction

- A.** Parking of motor vehicles shall be prohibited between the hours of 3:00am to 6:00am from all public parking lots owned or under the control of the Town of Bethel, except by permit, including but not limited to the “Old” Bethel Railroad Station at 5 Depot Place; the Bethel Public Library; the Clifford J. Hurgin Municipal Center; and, Bethel Board of Education parking areas and any other areas so designated from time to time by the Board of Selectmen.
- B.** Overnight parking permits may be granted for exceptional reasons at the discretion of the chief of police, the First Selectman or their designees. Overnight parking permits shall be limited to one 24-hour period and must be placed in a visible location on the dashboard of the vehicle.
- C.** Violations and Penalties:

- (1) Vehicles parked in aforementioned restricted areas without permit for 24 to 48 hours shall receive a written warning, to be affixed to the vehicle.
 - (2) Vehicles parked in aforementioned restricted areas without permit for more than 48 hours but less than seven (7) days will be subject to fine of ten (\$10) dollars per day.
 - (3) Vehicles parked in aforementioned areas without permit for longer than seven (7) days shall be subject to removal and impoundment at the owner's expense.
- (a) Impounded vehicles will no longer be subject to the daily parking fine described herein, but the owner of said vehicle shall be responsible for payment of vehicle removal, towing and storage fees.

**Proposed Amendment to Chapter 92 Code of the Town of Bethel, Connecticut
SNOW AND ICE REMOVAL**

§ 92-2. Liability For Ice And Snow On Public Sidewalks.

- A. The Town of Bethel hereby adopts the provisions of Connecticut General Statutes Section 7-163a entitled " Municipal liability for ice and snow on public sidewalks." as amended from time to time and as hereinafter set forth.
- B. Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general statute or special act, the Town of Bethel shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Bethel is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the Town shall be liable for its affirmative acts with respect to such sidewalk.
- C. (1) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the Town of Bethel had prior to the effective date of any ordinance adopted pursuant to the provisions of this section and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- (2) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

**Proposed Amendments to Chapter 64, §64-3
Code of the Town of Bethel, Connecticut**

BLIGHT

§ 64-3. Definitions

Blighted premises

C.

3. Landscaping including but not limited to trees, brush, shrubs, hedges, grass, and plants, which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk, public street, public right of way, public road sign and/or private street or private right-of-way.

D. Other such applicable conditions:

1. Overgrown brush including weeds and grass which exceeds twelve (12) inches in height or greater for a period of thirty (30) days or longer.

2. Landscaping including but not limited to, trees, shrubs, hedges, grass, and plants, which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk, public street, public right of way, public road sign and/or private street or private right-of-way.

A copy of the proposed ordinances and proposed amended ordinances are also available to review in the office of the Bethel Town Clerk, CJH Municipal Center, 1 School Street, Bethel, CT and on the Town of Bethel, Connecticut website at www.bethel-ct.gov.

Dated at Bethel, CT this 4th day of October 2016

BETHEL BOARD OF SELECTMEN

Matthew S. Knickerbocker, First Selectman

Richard C. Straiton, Selectman

Paul R. Szatkowski, Selectman